

ORIGINAL<sup>2</sup>

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

AMIC: 30

CLERK US DIST COURT  
WD OF WI

PROFILE PRODUCTS LLC,

*Plaintiff,*

vs.

07 C 0499

HONORABLE \_\_\_\_\_

CIVIL ACTION NO. \_\_\_\_\_

MAT, INC.,

*Defendant.*

JURY TRIAL DEMANDED

THOMAS A. LEWRY (P36399)  
BROOKS KUSHMAN P.C.  
1000 Town Center  
Twenty-Second Floor  
Southfield, Michigan 48075-1238  
Tel: (248) 358-4400  
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*Attorney for Plaintiff*

**COMPLAINT FOR PATENT INFRINGEMENT**

**I. The Parties**

1. Plaintiff, Profile Products LLC ("Profile Products") is a Delaware corporation having its principal place of business at 750 Lake Cook Road, Suite 440, Buffalo Grove, Illinois 60089.

2. Defendant, Mat, Inc. is a Minnesota corporation having its principal place of business at 12402 Highway 2, Floodwood, Minnesota 55736.

**II. Jurisdiction**

3. This action arises under Title 35 of the United States Code.



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4. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b) because Mat, Inc. conducts business and solicits customers in this district and has committed and continues to commit acts of patent infringement in this district.

### **III. Count I (Patent Infringement)**

5. On August 24, 1999 U.S. Patent No. 5,942,029 (“the ‘029 patent”) was duly and lawfully issued for a “Mechanically Bonded Fiber Mulch.” A copy of the ‘029 patent is attached as Exhibit A. The ‘029 patent was assigned to Profile Products on November 2, 2000. Since that date, Profile Products has been, and continues to be, the owner of the ‘029 patent.

6. Profile Products sells a mechanically bonded fiber mulch in the United States under the brand name Flexterra.

7. Mat, Inc. makes, uses, sells, and offers for sale in the United States a mechanically bonded fiber mulch that it calls FlexGuard.

8. Mat, Inc.’s FlexGuard product infringes the ‘029 patent.

9. Profile Products has been, and will continue to be, irreparably harmed by Mat, Inc.’s conduct unless Mat, Inc. is enjoined by this Court.



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#### **IV. Demand For Relief**

**WHEREFORE**, Profile Products asks the Court to:

A. enter a preliminary and permanent injunction to enjoin Mat, Inc. from infringing the '029 patent.

B. award Profile Products damages against Mat, Inc., with prejudgment interest and costs, and to increase the damages three times pursuant to 35 U.S.C. § 284.

C. award Profile Products its reasonable attorney fees in accordance with 35 U.S.C. § 285.

D. award Profile Products all other relief to which it is entitled.

#### **V. Jury Demand**

Profile Products requests a trial by jury.

Respectfully submitted,

**BROOKS KUSHMAN P.C.**

By: 

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Dated: September 6, 2007



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